Amendments to the Claims

Please cancel claims 1 - 27 and add new claims 28 - 41.

Listing of the Claims:

Claims 1 - 27 (CANCELED)

28. (NEW) An apparatus for placement on a heart of a patient to treat a heart condition characterized at least in part by diastolic expansion of a size of the heart, the apparatus comprising:

(a) a flexible open cell material;

(i) said flexible open cell material being pre-formed in a cone-shaped jacket with a base and an apex;

(A) said base defining an opening sized to receive a heart;

(ii) said cone-shape jacket being sized and adapted to circumferentially surround a heart;

(A) said flexible open cell material being sufficiently flexible to move with expansion and contraction of a heart and such that force on one portion of a heart is transmitted circumferentially through the cone-shaped jacket to another portion of the heart.

29. (NEW) An apparatus according to claim 28 wherein:

(a) said material is elastic.

30. (NEW) An apparatus according to claim 28 wherein:

(a) said jacket is sized to constrain diastolic expansion beyond a predetermined limit.

31. (NEW) An apparatus according to claim 28 wherein:

(a) said material is formed in an open cell construction with a plurality of open cells defined by interconnected, elongated elements.

32. (NEW) An apparatus according to claim 28 wherein:

(a) said jacket is sized to be applied to the epicardium of the heart.

33. (NEW) An apparatus according to claim 28 wherein:

(a) said jacket is sized to be applied to the pericardium of the heart.

34. (NEW) An apparatus according to claim 28 wherein:

(a) said jacket includes a shape memory material.

35. (NEW)An apparatus for placement on a heart of a patient to treat a heart condition characterized at least in part by diastolic expansion of a size of the heart, the apparatus comprising:

(a) a flexible open cell material;

(i) said flexible open cell material being pre-formed in a cone-shaped jacket with a base and an apex;

(A) said base defining an opening sized to receive a heart;

(B) said cone-shaped jacket being sized and adapted to surround at least a portion of a heart; and

(C) said flexible open cell material comprising an elastic material that moves with expansion and contraction of a heart.

36. (NEW) An apparatus according to claim 35 wherein:

(a) said cone-shape jacket is adapted to circumferentially surround a heart; and

(b) said elastic material is sufficiently flexible to move with expansion and contraction of a heart such that force on one portion of a heart is transmitted circumferentially through the cone-shaped jacket to another portion of the heart.

37. (NEW) An apparatus according to claim 35 wherein:

(a) said jacket is sized to be applied to the epicardium of the heart.

38. (NEW) An apparatus according to claim 35 wherein:

(a) said jacket is sized to be applied to the pericardium of the heart.

39. (NEW) An apparatus according to claim 35 wherein:

(a) said jacket includes a shape memory material.

40. (NEW)An apparatus according to claim 35 wherein:

(a) said flexible open cell material has a compliance lower than a compliance of a wall of the heart.

41. (NEW) An apparatus according to claim 35 wherein:

(a) said jacket is sized to constrain diastolic expansion beyond a predetermined limit.